

CLAIMS PENDING AFTER AMENDMENT

1                   48. (Amended) A method of conferring resistance to pathogenic fungi on  
2 a plant, the method comprising the steps of:  
3                   transforming a plant cell with an expression vector, wherein said  
4 expression vector comprises:  
5                   an expression cassette comprising a first plant promoter induced by  
6 stress operably linked to a DNA sequence encoding sarcotoxin 1a; and  
7 a second plant promoter which is constitutively expressed and positioned  
8 adjacent to the first plant promoter, and  
9                   regenerating the transformed plant cell into a transgenic plant wherein the  
10 transgenic plant has enhanced resistance to pathogenic fungi as compared to a  
11 corresponding untransformed plant.

1                   49. (Amended) The method according to claim 48, wherein the  
2 pathogenic fungi are *Rhizoctonia solani*, *Pythium aphanidermatum*, and *Phytophthora*  
3 *infestans*.

1                   52. (Amended) The method according to claim 48, wherein said  
2 expression vector further comprises a drug resistance gene operably linked to the second  
3 plant promoter.

1                   53. (Amended) The method according to claim 48, wherein a plant gene  
2 is fused to the DNA sequence encoding sarcotoxin 1a via the hinge region of a tobacco  
3 chitinase gene.

1                   54. (Amended) The method according to claim 48, wherein a DNA  
2 sequence encoding a signal peptide from a plant gene is fused to and positioned between  
3 the first plant promoter and the DNA sequence encoding sarcotoxin 1a.

1                   55. The method according to claim 48, wherein the promoter induced by  
2 stress is the promoter of the tobacco PR-1a gene.

1                   56. (Amended) The method according to claim 52, wherein the  
2 expression cassette further comprises the terminator of the tobacco PR-1a gene operably  
3 linked downstream of the DNA sequence encoding sarcotoxin 1a.

1                   57. The method according to claim 48, wherein the second plant promoter  
2 is the cauliflower mosaic virus 35S promoter.

1                   58. (Amended) A transgenic plant which is resistant to pathogenic fungi,  
2 the plant comprising an expression vector, wherein the expression vector comprises:  
3                   i) a first expression cassette comprising a DNA sequence encoding  
4 sarcotoxin 1a operably linked to a promoter induced by stress; and  
5                   ii) a second expression cassette comprising a drug resistance gene  
6 operably linked to a constitutively expressed promoter,  
7 wherein the first and second expression cassettes are positioned adjacent to each other,  
8 and wherein the transgenic plant has enhanced resistance to pathogenic fungi as  
9 compared to a corresponding untransformed plant.

1                   59. The plant according to claim 58, wherein the pathogenic fungi are  
2 *Rhizoctonia solani*, *Pythium aphanidermatum*, and *Phytophthora infestans*.

1                   62. (Amended) The plant according to claim 58, wherein a plant gene is  
2 fused to the DNA sequence encoding sarcotoxin 1a via the hinge region of a tobacco  
3 chitinase gene.

1                   63. (Amended) The plant according to claim 58, wherein a DNA  
2 sequence encoding a signal peptide from a plant gene is fused to and positioned between  
3 the plant promoter and the DNA sequence encoding sarcotoxin 1a in the first expression  
4 cassette.

1                   64. The plant according to claim 58, wherein the promoter induced by  
2 stress is the promoter of the tobacco PR-1a gene.

1                   65. (Amended) The plant according to claim 58, wherein the first  
2 expression cassette further comprises the terminator of the tobacco PR-1a gene operably  
3 linked downstream of the DNA sequence encoding sarcotoxin 1a.

1                   66. The plant according to claim 58, wherein the constitutively expressed  
2 promoter is the cauliflower mosaic virus 35S promoter.

1                   67. (Amended) The plant according to claim 58, wherein the expression  
2 vector further comprises a T-DNA region.